

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 11 2020

at 1 o'clock and 10 min. P.M.
MICHELLE RYNNNE, CLERK w
"UNPAID, IFP SUBM"
file copy mail 12/11/20

Christopher Jay Saperoth #A6083262
Name and Prisoner/Booking Number
OAHU COMMUNITY Correctional Facility
Place of Confinement
2199 Kamehameha Hwy
Mailing Address
Honolulu, Hawaii 96819
City, State, Zip Code

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Christopher Jay Saperoth
(Full Name of Plaintiff)

Case No. CV20 00551 JAO RT
(To be supplied by the Clerk)

vs.

PRISONER CIVIL RIGHTS COMPLAINT

WARDEN NEAL WAGATSUMA
Kaui Community Correctional Center

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

(Full Names of Defendants; DO NOT USE *et al.*)

A. JURISDICTION

1. Jurisdiction is invoked pursuant to:

- a. ☐ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
b. ☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)
c. ☐ Other: (Please Specify) _____

2. Plaintiff: Christopher Jay Saperoth

Institution/city where violation occurred: Kaui Community Correctional Center

3. First Defendant *: NEAL WAGATSUMA

This defendant is a citizen of (state and county) Lihue Kaui,
and is employed as:

WARDEN at Kaui Comm Corr. Ctr.
(Position and Title) (Institution)

This defendant is sued in his/her ___ individual ___ official capacity (check one or both). Explain how

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this defendant was acting under color of law:

DID NOT PROVIDE ADEQUATE DISABLED ACCOMODATIONS. PREMISE LIABILITY
INSUFFICIENT MAIL ROOM. ALLOWED INMATE ACCESS TO FEDERAL MAIL

4. Second Defendant: Kouzi Comm Corp, etw

This defendant is a citizen of (state and county) Lihue

Kouzi, and is employed as:

county jail at KCCO
(Position and Title) (Institution)

This defendant is sued in his/her ☒ individual ☐ official capacity (check one or both). Explain how this defendant was acting under color of law:

DID NOT PROVIDE ADEQUATE MAIL SYSTEM. LOST CHECK FROM
CREDIT UNION. DID NOT PROVIDE ADA ACCOMODATIONS

5. Third Defendant: _____

This defendant is a citizen of (state and county) _____

_____, and is employed as:

_____ at _____
(Position and Title) (Institution)

This defendant is sued in his/her ☐ individual ☐ official capacity (check one or both). Explain how this defendant was acting under color of law:

(If you would like to name additional defendants, make a copy of this (blank) page and provide the necessary information.)

* A defendant may be named in an individual or official capacity, or both. To sue a defendant in their individual capacity, you must be able to state facts showing that the defendant was actually involved in violating your rights. A suit against a defendant in their official capacity is in reality a suit against the office or position the defendant holds. Only injunctive relief is available in an official capacity suit against a state official. This is because the Eleventh Amendment confers immunity upon the state or its officials against monetary damages resulting from federal court litigation.

"Color of law" refers to whether the person is a private party or an employee, official, or agent of a state, county, city, or the federal government. There can be no civil rights action under § 1983 unless the defendant was "acting under color of law." After the color of law requirement is met, then it must be determined in which capacity the defendant is being sued.

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B. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits while a prisoner: ☐ Yes ☒ No
2. If your answer is yes, how many?: N/A Describe the lawsuit in the spaces below.
3. First previous lawsuit:
- a. Plaintiff N/A
Defendants N/A
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):
N/A
- c. Claims raised: N/A
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A
- e. Approximate date of filing lawsuit N/A
- f. Approximate date of disposition N/A
4. Second previous lawsuit:
- a. Plaintiff N/A
Defendants N/A
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):
N/A
- c. Claims raised: N/A
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A
- e. Approximate date of filing lawsuit N/A
- f. Approximate date of disposition N/A

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5. Third previous lawsuit:

- a. Plaintiff N/A
Defendants N/A
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):
N/A
- c. Claims raised: N/A
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A
- e. Approximate date of filing lawsuit N/A
- f. Approximate date of disposition N/A

(If you have filed more than three lawsuits, make a copy of this (blank) page and provide the necessary information.)

6. Have you filed any actions in federal court that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief could be granted? Yes No.

If you have had three or more previous federal actions dismissed for any of the reasons stated above, you may not bring another civil action in forma pauperis unless you are under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

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C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

8th Amendment confiscated wheel chair, sleeping on floor,
No handicap shower on bathroom, ADA Rights Violated.

2. Count I involves: (Check only one; if your claim involves more than one issue, each issue should be stated in a different count)

☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☒ Other: ADA DISABILITY RIGHTS

3. Supporting Facts: (State as briefly as possible the FACTS supporting Count I, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

IN FEBRUARY OF 2020 I WAS SENT TO KCCC IN A WHEELCHAIR. MEDICAL MEMO STATED
Wheel chair 1 month, NO TAP BUNK NO FLOOR MATS. Wheel chair was taken away 3rd
day and I was placed in PINK ROOM (ADSEK) on floor with 3 other inmates for 2 1/2 weeks. Moved
to Module B and showed memo + begged for chair back. Allowed back for 3 days and removed
again. ASKED FOR ACCOMMODATION FORM, NO REPLY. NO REASONABLE ACCOMMODATION. ASKED FOR USE
OF HANDICAPPED TOILET. NO REMEDY. ASKED FOR USE OF HANDICAPPED SHOWER. NO
REMEDY. ASKED FOR MEDICAL ATTENTION + TREATMENT. Medical memo for 2nd Mattress
and PILLOW AND WATER BOTTLE ALLOWED BUT REMOVED BY ACD'S. Medical memo for
Parriett's Cancer to allow water bottle by bedside allowed, removed by next shift.

4. Injury: (State how you have been injured by Defendant(s)' actions or inactions.)

Back reinjured getting up and down off floor. Neck injured same way. Throat damage from
No water by bedside. Hurt back in regular dirty no Support Shower. Constipation
causing anal fissure tear due to no handicapped bars on toilet and back muscle
SPASM/STRAIN/PULL/tear/nerve impingement/ Disc Damage and Syatica nerve
going down back of leg to numbing toes. Condition Progressing and
worsening and NO Examination or treatment. Been Forced to decrease Gloric
Intake and Stop eating Because I can't move my bowels without Handrails

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COUNT II

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

1st Amendment, 6th Am, 8th Am. Mail violations is a communications violation: Speech deprivation, court communications, denied financial check.

2. Count II involves: (Check only one; if your claim involves more than one issue, each issue should be stated in a different count)

☒ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☐ Other: None

3. Supporting Facts: (State as briefly as possible the FACTS supporting Count II, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

ON OCTOBER 20, 2020 at KCCC I was afforded a phone call to EAST FEDERAL CREDIT Union to have a Cashiers Check sent to be deposited in my inmate account. JAIL VIO #1E CS1 made the arrangements. 2 days later I'm sent to OCCC and now 1 1/2 months later no one will mail or deposit my check. Mail has not been transferred to OCCC except for 1 piece from Disciplinary Council Supreme Court. WARDEN Neal Nagelsum will not allow Bibles, Religious Magazines, Books ect to be mailed in. Mail I've sent out has been tampered with and not sent out, 1 Letter was rerouted to Chaplain Surey and He came to my cell mad because of what I wrote Pastor Darrell King about him. I and other inmates witness inmate Vinny? (Life Sentence Murder) in Program module Scanning and Checking + Reading other inmate mail, and exposing the contents to fellow inmates. This is a violation of Safety Protocols + Federally Protected

4. Injury: (State how you have been injured by Defendant(s)' actions or inactions.)

Last check and transfer to OCCC has deprived me of Commissary/Hygiene/OTC medications. Refused BIBLE/BOOK/RELIGIOUS materials has refocused my Attention on inmates/crime sin and lawsuits, depriving me and God of Fellowship and causing my Mental Health Demise which I am now in a Mental Health Psych-Ward. Without over the counter medicines my health is failing. OCCC + KCCC have records of my internal Bleeding: rectally + Urine + Stomach. Without Hygiene (Soap, Shampoo, Lotion, Chapstick, Prep H, Hydrocortisone (creme) Supplies, Skin Cracking, Lips Cracking, Dandruff, Hemroids, Rectal Bleeding ect Skin Itching, Dry eyes

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D. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

\$100 million Restitutional damages and compensatory damages. Injunctive relief.

OUT OF COURT SETTLEMENT

RETRAINING OF STAFF

LETTER OF APOLOGY

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Signed this 21th day of NOVEMBER, 2020.
(month) (year)

(Signature of Plaintiff)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach no more than **fifteen (15) additional pages**. Number these pages in relation to the final page number of the section that is being extended (i.e. additional defendants' pages should be numbered "2A, 2B, etc.," additional previous lawsuits' pages "4A, 4B, etc.," additional claims should be numbered "7A, 7B, etc." This form, however, must be completely filled in to the extent applicable.